IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2273 OF 2004

Mohan Giri Baba Sahakari Dudh
Sanstha Maryadit ...Petitioner

Vs.

The State of Maharashtra & Ors. ...Respondents

Mr. Macchindra A. Patil for the Petitioner
Mr.D.R.Patil,A.G.P. for Respondent Nos.1 to 4.
Mr. V.M.Mali for the Respondent No.5.

CORAM: A.S.OKA, J.

DATED: JANUARY 19,2006.

P.C.:

1. Heard learned Advocate for the Petitioner, learned A.G.P. for Respondent Nos.1 to 4 and learned Advocate for Respondent No.5. The challenge in this Petition under Article 227 of Constitution of India is to the order of interim stay passed by the State Government (Exh.D to the Petition). By order dated 8th March 2004, this Court has granted ad-interim relief in terms of prayer clause (c) which is in force till today. The result of granting ad-interim relief is that the order impugned dated 20th January 2004 is not operating.

2. The submission of the learned Counsel for the Petitioner is that the Revision Application in which the impugned order has been passed by way of an interim relief is itself not

maintainable. The Revision Application is still pending before the State Government and it is for the Petitioner to raise the said contention before the State Government in the pending Revision. Ad-interim relief granted by this Court on 8th March 2004 is now operating for almost a period of two years. The said ad-interim relief deserves to be continued till the Revision Application is decided by the State Government.

3. Hence, Writ Petition is disposed of by passing the following order :

i) The State Government will decide the Revision Application No.94 of 2004 in accordance with law. All contentions of the parties on merits of the Revision Application including the contention regarding the maintainability of the Revision Application are expressly kept open.

ii) Ad-interim order passed by this Court on 8th March 2004 will continue to operate till the disposal of the said Revision Application.

. Parties to act upon an authenticated copy of this order.

Judge.